

Crutchfield walked in from the clerk's office. He was given a seat by Judge Witt and remained there all the morning, a deeply interested spectator of the proceedings.

#### The Opening.

Mr. Folkes, addressing the jury, explained that A. Chadwick Burton was on trial on a charge of petit larceny, in that, by false pretense and misrepresentation, he had obtained, through his authorized agents and co-workers, the sum of \$2 from O. J. Sands. "It is unusual," said he, "to make an opening statement in a petit larceny case, but this is an unusual case." He then stated that he expected to prove that Burton came to Richmond, bringing three women, whom he claimed were, one his wife, and the other two his nieces; that he employed these to go around town and solicit funds under false pretense; that such funds as they secured were paid over to him; that he knew that they were making misrepresentations in order to procure funds for his use, and, he aided, abetted and counseled them to make these representations.

Mr. Folkes, in conclusion, said that he would prove that Burton and his agents had gone around under the cloak of the church of God to rob people.

Mr. Wise, replying, said he did so merely as a matter of courtesy to the Commonwealth's Attorney, and all he had to say was that they expected to disprove every allegation.

#### Evidence Opens Up.

Rev. H. L. Weston was called as the first witness, and a youthful looking man of small stature and a round face made his way from the ante-room to the witness chair.

Mr. Watson said he was the pastor of the Epworth Methodist Episcopal Church, located on Randolph Street. Burton came to him on the 10th of December and introduced himself as the manager of the Burton Lyceum Bureau, and proposed to give an entertainment for the benefit of the church in the Annex of Murphy's Hotel. The witness gave in detail the business-like conversation he had with Burton, who assured him that the ladies of Epworth Church would not have any responsibility of any kind; would not have to have any printing done; would not have to do any advertising, and would not have to sell any tickets. After consultation with several leading members of the church, the witness entered into a contract with Burton. The contract was here produced and read. It was a printed document with ample blank lines filled in with pen. It was drawn up in regular form and liberally interspersed with legal phraseology, and had many such words as the "aforesaid," etc. It was made between A. Chadwick Burton, mgr. of the Burton Lyceum Bureau, "the party of the first part," and Rev. H. L. Weston, "the party of the second part." Its main feature was that it promised the church people were to get 20 per cent. of the value of tickets taken up at the door when the concert was given.

#### Objections and Exceptions.

When the Commonwealth undertook to prove that the women were apart of the Burton Lyceum Bureau, defense objected taken the ground that his being a case of petit larceny, and a specific case being in point, any testimony that doesn't bear upon the obtaining of \$2 from O. J. Sands, is irrelevant. The court permitted the questions concerning the acts of the women and an exception was noted.

Witness resumed said he first met the three women at the Langley House, where he had an engagement with Burton. They were introduced to him by Burton, as his wife and two nieces. Burton frequently told the witness that his wife and nieces were getting along splendidly selling tickets. Witness said Burton told him his nieces were his co-workers.

The cross-examination was brief, but pointed. Mr. Weston could not remember what street the Langley was on, or whether Franklin was the north street to Main or the second from Main. He recently came to Richmond as pastor.

#### The Star Witness.

"Call Mayor McCarthy next," said Mr. Folkes, and then everybody commenced to shuffle around in their seats and to show signs of an expectation of some real live wire fun. The mayor, still smiling, came hurriedly from the witness stand, and after taking the chair, he reached down in his inside pocket and drew out a batch of papers, several long and well filled envelopes and two pairs of spectacles. During his stay in the witness chair, about an hour and a half, he frequently changed glasses.

After explaining, in answer to Mr. Folkes's question, that he was the mayor and that he knew the accused "probably better than anybody else in this part of the country," the contract was shown him. He declared that it was in his opinion a fraud from beginning to end. Burton told witness that he (Burton) was the Lyceum Bureau; that he was the whole thing, and that his two nieces were in his employ. "This was objected to by defense and objection being overruled, an exception was noted."

Resuming, witness said Misses Hamerly and Edwards told him in Burton's presence that they were employed by Burton, who paid them \$10 per week and then he heard. Another exception was here noted. Witness then proceeded to give an account of the interesting interview he had with Burton, "Mrs. Burton" and the nieces at the Langley, and how he got the books in which was a list of the contributors to the concert fund. He produced three little red memorandum books that were produced as the same he made Burton produce that night at the Langley. Counsel objected to the introduction of the books, on the ground that they were Burton's property, gotten from him under threat of arrest and imprisonment. Objection overruled and another exception noted.

Resuming, the Mayor said he repeated the demand made at Murphy's that Burton should make a fair settlement with Weston, and that in order to arrive at a fair settlement it was necessary to see the books. Burton and the women denied that there were any books, and he then said: "Very well, you will get those books or go to the station house." The Mayor insisted upon telling things in his own way, and often he answered two or more, even a half dozen questions when only one had been asked. He went over the whole story from the first time he had the interview with Burton and his wife and nieces in the Mayor's office, through the exciting times at the Murphy annex, and down to the more exciting scenes at the Langley, and he did it in the same manner as in the Police Court, when Burton was on trial there.

#### Cross-Examination.

Mr. Wise first took the witness in hand for cross-examination. The cross-questioning at first was in the nature of an effort to show that Burton positively refused to give up the memorandum books and finally produced the books after he had been threatened with arrest and imprisonment. The witness insisted that he merely said he would

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Just right for this weather—long, medium weight—\$17.75 instead of \$25 and \$30. If this particular coat does not fit your requirements, here are nine other varieties—\$9.75 up.

Suits, same way.

Underwear sale indexed in our corner window—look, then turn to the stock inside.



leave them in the hands of the officers until morning, when he would make a settlement, and that was not a threat of imprisonment because they were already in the hands of the officers. The contract was then taken up, and in response to the first question, he bluntly declared that the contract was a fraud from top to bottom, and here followed a lengthy controversy between counsel and witness as to what constituted fraudulent features in a contract, the Mayor still insisting upon answering many questions in one and replying to them in his own inimitable way. Counsel insisted upon a straightforward answer to the question: "Is there anything on the face of the contract to show fraud or that anybody, especially O. J. Sands, had been defrauded?" but the witness did not make the answer as straight as counsel wanted it. He said the very headline, "Burton Lyceum," was a fraud, for there was no "lyceum." He answered all the "straight" questions pretty much in the same manner as the above, and at times the spats between counsel and witness were spicy and a trifle sensational. The witness more than once said that he judged of the fraudfulness of a contract by the frauds that were practiced under it.

He was asked next what he would have done if Burton had not made the \$125 settlement with Mr. Weston at the Lang-

#### "Berry's for Clothes."



We know these suits are better than the average, for we paid more for them—and we know they are worth more because we've compared them with other good makes.

Yet they're being sacrificed!

Suits that sold up to \$6.00 at \$2.85.

Suits and Overcoats that sold up to \$7.50 at \$4.75.

Suits and Overcoats that sold up to \$9.00, at \$5.75.



insisted upon \$5, but he gave only \$2. Witness said he told Mrs. Burton that he never intended to give another cent to a professional solicitor, but if she was a member of the society, lived in Richmond and all of his money would go to the society he would contribute, otherwise not. She assured him that such was the case, and then went on to tell him how many worthy poor the society had helped, how many more they had to help and they had hoped he would do more for them. He gave them \$2 and then they handed him two tickets to the annex concert and went out. On cross-examination, Mr. Sands said he gave the tickets to his stenographer, who went to the concert. A circular was given him with the tickets, which proved to be the concert programme. Witness read it to the jury.

The cross-examination was lengthy and rigid, the main purpose being to show that Mr. Sands's idea that the women were members of the society and Richmonders resulted from his own inference rather than from the language of the woman.

#### Sensation Sprung.

Mr. Sands left the witness chair and everybody waited for Mr. Folkes to call the next witness, but Mr. Folkes called



A. CHADWICK BURTON.

The smaller picture shows Burton and his youngest child. The pictures are in possession of Mrs. Burton.

lips, and, having released his grip upon the arms of the chair, stroked his mustache as if striving to smother emotion and hold back a flood of tears, but he kept his blurred eyes on the woman who had just sworn he was her lawful husband. It was plain that Mr. Folkes was very nervous, and even Judge Witt looked uneasy. The only calm lawyer in the courtroom was Mr. Gilbert Pollock. He had arisen from his chair and stood smiling and waiting for the buzz to cease. When it did cease he said: "May it please Your Honor, we object

nesses for the Commonwealth was resumed.

Mr. W. Fred Richardson was the first witness introduced after the recess. His testimony was that Miss Hamerly had asked him to contribute \$5 to the Dorcas Society, representing herself to be a member of the same. Witness gave a check for \$3, and after learning from Pastor Weston that the society was to get only a small percentage of the money, he stopped payment of check at the bank, and Burton called on him for an explanation. When he told Burton his information was that the church would get only twenty per cent. of the proceeds, Burton said that "unless the singers in the concert were getting more pay than he had understood they were to get, the church would get more than twenty per cent." Burton further said that if ugly rumors about the testiness were out he would not permit his wife to have anything more to do with it. He would not allow his wife to sell tickets for any fake affair.

Colonel William H. Palmer, the well known banker, was the next witness. He gave the women a check for \$5 on their representation that they were soliciting funds for the Dorcas Society, one of them representing herself as the treasurer of the society. He did not read the circular and never heard of any tickets until after he had given his check for \$5, made payable to the order of "Mrs. A. C. Burton, treasurer." Then they gave him five tickets, which were not used. Cross-examination brought out no new facts.

Mr. Hampton Fleming, the next witness, was solicited to contribute \$5. He believed him, and told them he would give them candy or other goods for the proposed entertainment. He insisted on getting money, but finally accepted an order for twenty-five pounds of candy. A day or so later Burton called with the order and got the candy. Later three boxes of the candy were produced in court. Defense cross-examined witness to show that the proper proportion of the candy, twenty per cent, went to the Dorcas Society.

#### An Humble Member.

Mr. Frank S. Woodson testified that Burton came to him at The Times-Dispatch office and asked that the programme for the concert be published in the paper. Witness asked Burton if he was the pastor of the Epworth Church, and the reply was: "No; only an humble member."

Rev. Dr. E. L. Pell testified that the women came to him and solicited a contribution for the poor that were being looked after by the members of the Dorcas Society of Epworth Church. Dr. Pell never saw the circular, and never heard of the concert until after he had given his check. Then, to his surprise, they gave him five tickets to the concert and a circular, all of which he threw in the waste basket.

H. W. Rountree was reminded by Miss Hamerly that he gave \$5 the year before, which he didn't remember, but he gave \$5 then, and the ladies handed him five tickets. The concert was mentioned and he saw the circular or programme before he paid his money; did not read them. He got five tickets, which he gave to people in his store.

Two other important witnesses were briefly examined, and then Rev. Mr. Weston was recalled, but the hour of 6 having arrived, court adjourned to Saturday morning at 10 o'clock. His Honor explaining that to-day being a legal holiday, a session of the court court not be held. The jury was admonished not to talk about the case and not to read newspaper accounts of it.

Mr. Pollock again took the floor and said in effect that Burton was charged with petit larceny and the question as to who his wife was or where she was at the time the crime is alleged to have been committed had nothing to do with his guilt or innocence. Mr. Wise spoke very briefly along the same line and made reference to a recent decision of the Supreme Court that sustained his view of the matter.

The court took the same view as the defense and ruled that Mrs. Burton could not be a witness. She was at once escorted to Mayor McCarthy's office downstairs.

Court then took a recess until 4:30 and everybody went to talking about the sensational turn the case had taken.

Down in the Mayor's office Mrs. Burton talked very freely with the newspaper men. She was well-dressed in a skirt of dark cloth, a cream colored silk waist and wore a black hat with white feathers. She is well educated, talks well, and her general demeanor is good. In her early life she was a school teacher.

#### AFTERNOON SESSION.

Said He Was Only "Humble Member of" Epworth Church.

Court reassembled at 4:30 in the afternoon, and the examination continued.

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bond of marriage at Philadelphia, Pa. WM. DAYTON ROBERTS.

Witnesses: Joseph Swayne, A. E. Swayne.

Mrs. Burton said, "He has tried a thousand times to get that paper from me." "Who is the woman who he introduced here as his wife?"

"Her name is well known to me, and she now lives on Mt. Vernon Street in Philadelphia, formerly she lived at on Wallace Street, Philadelphia. Her mother with whom she lives, is also well known."

"What did you know about Burton before you married him?"

"I knew very little except what he told me. I was introduced to him and he told me he had just returned from Belgium, where he was United States Consul. He showed me his picture taken when he had large bushy whiskers, and said that he wore them in Belgium because they made him look more distinguished. He said that President Arthur had appointed him because he was an old school-mate, and he even told me what the President said to him."

#### Was Also Rich.

"Well, Burton, how are your politics?" said the President.

"I'm for the administration," he replied.

And he was appointed, so he told me. He also told me that he was very rich and had interests in mining property worth thousands, and he showed me a life insurance policy for \$5,000. He told me that his income was \$20,000 a year, and that he did not have to work."

"We were married at the home of Mr. Swayne, No. 127 North Fifteenth Street, on July 7, 1892, and after that day I began to move to Indianapolis to my husband really was. Until the following February we lived in Philadelphia. He did not work, and I furnished him money. He said that he had lost heavily betting on Harrison for President, and that it had taken all his ready money."

One day he told me the President Harrison had offered him a partnership in his law practice, and that he had accepted the offer. He said that President Harrison was an old friend of his, and it was an honor he could not refuse, although he was too wealthy to work."

"He believed in me, and sold my property and his interests in the Indiana mine so that we could move to Indianapolis to be with President Harrison. He took the money and we left Philadelphia. I had become so afraid of him that I did whatever he told me."

"On the day we reached Indianapolis we met President Harrison in the street. He had been waiting for me."

I knew him by sight, for I had seen him after I said to Mr. Burton: "There is the President. Why don't you speak to him?"

He pretended he didn't see him, and then finally said: "We have had a quarrel. He won't treat me right, and I don't intend to notice him."

"That was the last of President Harrison."

#### Had All Her Money.

"After leaving Indianapolis we wandered all over the country until we reached San Francisco. Mr. Burton treated me cruelly, but he had all my money and I had not a cent. He would not give me a postage stamp, or write to my relatives. He was a Mason, an Elk and a Pythian, and told me he used these orders to help him in every city and town we visited. He said he didn't care for the orders, but they gave him a chance to get introduced to the people he wished to meet."

#### "Had Him Arrested."

"When we returned to Philadelphia my friends had him put out of the Knights of Pythias on account of his treatment of me. We lived at No. 910 Spruce Street, and in August, 1895, he tried to get Dr. Park. No. 923 Spruce Street, to say that I was insane. Dr. Park said 'no,' and left the house. Mr. Burton left me in April, 1896, and since that time has introduced another woman as his wife. I had him arrested for non-support, and I got \$30 a month for four months, after which he stopped paying. A suit is now pending in the Philadelphia courts for my divorce."

Mr. Burton has written a lot of things in the papers about himself. He has said at various times that he was theatrical manager for Mary Anderson, Kate Claxton, John T. Raymond and a lot of others, but these assertions are not true. I never caught him telling the truth about the time I lived with him," "He declared the wife, with emphasis. "He wrote to me after he left me and offered me \$200 and my diamonds, which he had taken and given to another woman, if I would get a divorce. I refused, but I got back some of my diamonds by having him arrested. The woman still has two of my rings."

"Charles E. Linde, of Philadelphia, who is his lawyer and who was in court with him to-day knew all about my husband."

"How did you happen to know that your husband was in trouble here?"

"I saw it in the Philadelphia papers, and I said: 'That's my husband—He's up to his tricks again. I cut out the notice and enclosed it, with a picture of Mr. Burton, to the chief of police of Richmond and wrote him that the man was my husband and that I had not seen him for some time. Before I could get an answer by mail, Sergeant Gibson had reached Philadelphia, and had

called on me at No. 124 Spence Street. That was on December 25th. He could talk for days about my husband but it can all be said in a very few words."

Then she said a few very expressive words.

Mrs. Burton reached Richmond accompanied by Sergeant Gibson on Wednesday morning and registered at the Murphy's Hotel as H. N. Burton, Pennsylvania. She was assigned to Room 21.

On Wednesday night a Times-Dispatch man called upon her, but did not print the sensational story, because it came to the reporter in a confidential way. No other newspaper in Richmond knew of her presence here.

#### Burton Refused to Talk.

A. Chadwick Burton at the Gilbert Hotel last night, refused to talk.

He was told what his wife had said, and of the charges she had made. He was told that he should have a "square deal" with her.

"I have nothing to say, but this is Mr. Linde, my lawyer. You can talk to him," said Burton.

Mr. Linde said: "It would not do for us to talk now, when Mr. Burton is being tried. Whatever he said would be used against him. He must keep his mouth shut. We have no reply to make to the charges."

Burton admitted during the day, however, that the woman was really Mrs. Burton.

## THE ARTISTS' CONCERT WAS A FINE SUCCESS

The Ashland Choral Club is Making Fine Progress With Operas.

(Special to The Times-Dispatch.)

ASHLAND, VA., January 18.—The artists' concert, under the management of Mr. Edward Latham Quarles, in the new school building here to-night, proved a decided success, the hall being crowded to the limit. The singing of choice selections by Miss Liddle, Misses of Richmond, Mrs. Quarles, Mr. R. Lynn Tucker and Mr. A. E. Coulter were particularly appreciated. Mrs. R. E. Blackwell presided at the piano as accompanist in a masterful manner. Mr. Victor Menzel, violinist, rendered several pieces, particularly "Karl's Cavatina," which was much applauded. The proceeds were for the benefit of the new plan fund of the public school, and were quite satisfactory.

Mr. Charles K. Pendleton, administrator of the estate of his son, Thomas W. Pendleton, has just received notice of the decision of the Supreme Court of Virginia affirming the decision of the lower courts of \$5,000 damages from the Richmond, Fredericksburg and Potomac Railroad Company for the killing of his son here two years ago on the tracks of this railroad.

The rehearsal of the Ashland Choral Club last night in the college chapel, of Gounod's "Redemption," under the direction of Mr. Eugene Jones, was quite spirited. The work of the chorus was considerably augmented last night by the tenor leads of Mr. A. E. Coulter, of Ashland, who has just returned from San Domingo. The club is making rapid and careful progress with the "Redemption," and will take up the "Stabat Mater" at the next rehearsal, and the "May Queen" later on. It has been arranged that Dr. Peters, the conductor of the Wednesday Club, will direct the Ashland Choral Club for one or two rehearsals in February.

Mrs. C. W. Welsiger, formerly Miss Snellings, has returned from a visit to Boynton, Va., and took part as accompanist for the Ashland Choral Club at its rehearsal last night.

There will be a called meeting of the Town Council Friday night, for the purpose of considering a proposition from Mr. John D. Harris, of Philadelphia, for building a sewerage and water and gas plant at Ashland. Mr. Harris represents Philadelphia capitalists, and will spend the day in Ashland to-morrow, going over the ground here. The object of his visit now is to ascertain if the franchise can be satisfactorily secured in Ashland for these exclusive privileges by a private corporation.

Mrs. Mary Wood Combs, of Boston, who will be pleasantly recalled as a permanent boarder at the Henry Clay Inn here, has just returned from a visit to Ashland, next week. Mr. Carter Reed, superintendent of public schools of Hanover, was in town to-day and visited the new school here.

Mrs. Dr. Henry Rose Carter will entertain friends this evening at a grand party at her residence here.

A number of the special friends of the family of Mr. and Mrs. Charles K. Pendleton, visited their home yesterday, and to-day, to review the wedding presents of Mr. and Mrs. James Cox, recently married. There are nearly four hundred presents, consisting of rare and valuable silver and cut glass.

Miss Belle Harris, of Fredericksburg, is the guest of Mrs. Dr. Henry Rose Carter.

Mrs. Doctor Eugene Pendleton and little daughter, Anne, who have been guests of Mr. and Mrs. C. K. Pendleton, left to-day for their home in Louisa.

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